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On December 1, 2014, Vick filed a motion for a sentence reduction under 18 U.S.C. § 3582(c), U.S.S.G. § 1B1.10, and Amendment 782 to the Sentencing Guidelines. See [D.E. 77]. On January 5, 2015, Vick filed an amended motion for a sentence reduction [D.E. 78]. Vick's new advisory guideline range is 151 to 188 months' imprisonment, based on a total offense level of 29 and a criminal history category of VI. See Resentencing Report. Vick requests a 116-month sentence. See id.; [D.E. 77].

The court has discretion to reduce Vick's sentence. See, e.g., Dillon v. United States, 560 U.S. 817, 827 (2010); United States v. Cole, 618 F. App'x 178, 178–79 (4th Cir. 2015) (per curiam) (unpublished); United States v. Thomas, 546 F. App'x 225, 225–26 (4th Cir. 2013) (per curiam) (unpublished); United States v. Perez, 536 F. App'x 321, 321 (4th Cir. 2013) (per curiam) (unpublished); United States v. Smalls, 720 F.3d 193, 195–97 (4th Cir. 2013); United States v. Mann, 709 F.3d 301, 306–07 (4th Cir. 2013); United States v. Stewart, 595 F.3d 197, 200 (4th Cir. 2010). In deciding whether to reduce Vick's sentence, the court finds that Vick engaged in serious criminal behavior. See PSR ¶¶ 5–8. Vick also has a disturbing criminal history. Vick's criminal history includes convictions for possession of a handgun by a minor, possession of a stolen vehicle (three counts), possession with intent to sell and deliver cocaine, possession of a firearm by a felon (two counts), possession with intent to sell and deliver marijuana (three counts), and larceny of a motor vehicle. See id. ¶¶ 12–27. Vick also has performed poorly on supervision and essentially has no work history (when not incarcerated). See id. ¶¶ 12–27, 40–41. Nonetheless, Vick has engaged in some positive behavior while incarcerated on his federal sentence. See Resentencing Report; [D.E. 85, 86].

Having reviewed the entire record and all relevant policy statements, the court finds that Vick received the sentence that was “sufficient, but not greater than necessary” under 18 U.S.C. § 3553(a).

Further reducing Vick's sentence would threaten public safety in light of his serious criminal conduct and serious criminal history. Cf. U.S.S.G. § 1B1.10, cmt. n.1(B)(ii). Thus, the court denies Vick's motions for reduction of sentence. See, e.g., Cole, 618 F. App'x at 178–79; Thomas, 546 F. App'x at 225–26; Perez, 536 F. App'x at 321.

In sum, the court DENIES Vick's motions for reduction of sentence [D.E. 75, 78].

SO ORDERED. This 11 day of November 2016.



JAMES C. DEVER III
Chief United States District Judge